

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10096 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

NG KOTTECHA

Versus

CENTRAL BANK OF INDIA

Appearance:

MR B.P. Tanna, AK CLERK for the Petitioner.

MR ARUN H MEHTA for Respondent No. 1-2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 30/04/2003

ORAL JUDGEMENT

By filing this petition, the petitioner has challenged the order passed by the respondent-Bank, by which the petitioner was dismissed from service after the conclusion of the disciplinary proceedings. The said

order is challenged on various grounds.

However, since the learned Advocate for the petitioner wants to withdraw this Special Civil Application in order to make representation to the appropriate authority, it is not necessary to consider the averments in the petition nor is it necessary to highlight the facts which relate to the present petition. Mr.Tanna for the petitioner submitted that his client's son, who is present in the Court, is authorised to make statement on behalf of his father and as per the instructions received by him from his client's son, the petitioner wants to withdraw this petition with a view to approaching the appropriate authority of the Bank, with an application, which will be made within a period of two weeks from today, with a request that the appropriate authority may alter the punishment to any other punishment which may not disentitle the petitioner to his terminal and pensionary benefits having regard to the fact that he had put in 40 years' service in the Bank without any blemish and that he has served sincerely and honestly for all these years in the past before the unfortunate incident took place.

The petitioner is accordingly permitted to withdraw this petition, with a liberty to approach the appropriate authority in the matter. The appropriate authority shall consider the application that may be submitted by the petitioner and such application may be dealt with sympathetically and the authority may take the decision in accordance with law within four weeks from the date of receipt of such application.

In view of the aforesaid direction, Mr.Tanna for the petitioner wants to withdraw this petition, reserving his right to challenge such order if passed against the petitioner on his representation. Petition is accordingly disposed of as withdrawn.

It is clarified that in case such final decision on such representation is against the petitioner, it would be open for him to challenge the same in accordance with law.

Rule is discharged. No order as to costs.

30th April, 2003 (P.B. Majmudar, J.)

(apj)